

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada
Nevada Bar Number 13644
SHAHEEN P. TORGLEY
BRETT RUFF
Assistant United States Attorneys
Shaheen.Torgoley@usdoj.gov
Brett.Ruff@udoj.gov
501 Las Vegas Boulevard South
Suite 1100
Las Vegas, Nevada 89101
702-388-6336
Representing the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADALI ESCALANTE-TRUJILLO, et al.,

Defendants.

Case No. 2:20-cr-00156-RFB-DJA

MOTION FOR A PROTECTIVE
ORDER GOVERNING DISCOVERY

The Government and the indicted Defendants in the above-captioned case, by and through their respective attorneys of record, respectfully move the Court to find that an order governing disclosure of certain discovery material is necessary pursuant to Fed. R. Crim. P. 16(d). The same parties further respectfully request that the Court find that grand jury and other discovery materials provided by the Government are being provided for the purpose of the trial in this case.

IT IS THEREFORE ORDERED that:

1. In order to protect the safety and privacy interests of innocent third parties and potential witnesses, to protect law enforcement interests, and to encourage early, broad

1 and expansive discovery in this case, the defendants, the defendants' attorneys of record,
2 and their respective staff members and others retained to work on the case:

3 a) shall not distribute law enforcement reports, transcripts, recordings,
4 and/or other materials provided by the Government pursuant to discovery except as set
5 forth below;

6 b) shall not provide any law enforcement reports, transcripts, recordings,
7 and other materials provided pursuant to discovery to anyone with the exception of their
8 client defendants, the attorneys of record to whom the discovery is produced, members of
9 the attorneys' staff—including legal assistants, paralegals, law clerks, and defense investiga-
10 tors, and experts retained by counsel to work on the case. Counsel for the defendants are
11 ordered to provide a copy of this Order to anyone retained by or within the employ of
12 counsel who receives such materials. Nothing in this Order prevents counsel of record for
13 the defendants or members of their staff from showing or orally summarizing the Govern-
14 ment discovery materials and transcripts if, in the discretion of counsel of record, he or she
15 determines that it is necessary to do so for purposes of preparing the defense. Counsel of
16 record or members of the defense team may also show and/or play audio and/or video re-
17 cordings (but not provide copies of such) provided in discovery to witnesses or potential
18 witnesses or others working at the direction of counsel of record or the defense team, if, in
19 the discretion of the counsel of record, she or he determines that it is necessary to do so for
20 purposes of preparing the defense of the case;

21 c) shall not reproduce in any part, in their entirety, nor in any format, any
22 law enforcement reports, transcripts, recordings, and/or other discovery materials for dis-
semination to any persons or parties not identified in subsection b) above, including other

1 defendants or the counsel of other defendants, and counsel of record shall maintain com-
2 plete custody and control over the law enforcement reports, transcripts, recordings, and
3 documents, including notes and/or copies;

4 d) may allow transcripts or other discovery materials containing Jencks Act
5 (18 U.S.C. § 3500) statements of witnesses, e.g., grand jury transcripts, witness statements
6 whether electronically recorded or in the form of handwritten statements by the witnesses,
7 or reports of witness statements by law enforcement officers, search warrant affidavits, or
8 copies or summaries of the same, to remain with their client in that defendant's detention
9 facility (if detained) for review outside the presence of the defendant's attorney of record, or
10 a member of the attorneys' staff, but may not allow Rule 11 memoranda of cooperating
11 witnesses, if any, and other defendants' post-Miranda statements to remain in the posses-
12 sion of defendants outside of the presence of that defendant's respective legal counsel; to
13 aid in the distinction between what may and may not remain with defendants absent coun-
14 sel, the government agrees to notify each defendant's counsel which items constitute coop-
15 erator or post-Miranda evidence;

16 e) shall not provide copies of any notes or records of any kind made in rela-
17 tion to the contents of the discovery materials, other than to their client defendant, the at-
18 torneys of record, and those employed or retained to work on the case, and all such notes
19 or records are to be treated in the manner as the original discovery materials; and

20 f) shall upon conclusion of this case, including any appeal, habeas action, or
21 other legal proceeding, dispose of all discovery materials in one of two ways, unless other-
22 wise ordered by the Court: materials must be (1) destroyed or (2) returned to the United
States. The Court may require a certification as to the disposition of any such materials;

2. Any filing or pleading that has as an attachment a protected document or which contains protected information from a protected document shall be filed under seal and copies sent by email to the other parties, unless the Government agrees that the materials may be filed publicly. A copy of a filing without the protected attachment may be provided to defendants on whose behalf the document was not filed upon redaction of the information from the protected documents. The un-redacted motion and attachment(s) may be shown to the defendants on whose behalf the materials were filed.

3. Nothing contained in this Order shall preclude any party from applying to this Court for further relief or for modification of any provision hereof. At a later date, defense counsel anticipate asking the Court to modify this order by allowing counsel to provide other protected materials to the in-custody defendants at their detention facility in electronic form, such as on an external hard drive, pursuant to the detention facility's policies and procedures.

Dated this 28th day of September, 2020.

Respectfully submitted,

NICHOLAS A. TRUTANICH
United States Attorney

/s/
Shaheen P. Torgoley
Brett Ruff
Assistant United States Attorneys

For Adali Arnuflo Escalante-Trujillo (1)

For Jose Alfredo Ayala-Flores (2)

/s/David R Fischer
David R Fischer, Esq.

/s/Dustin Marcello
Dustin Marcello, Esq.

For Alvaro Ernesto Perez Carias (3)

/s/ Jess Marchese
Jess Marchese, Esq.

For Sebastian Ocadiz-Castro (4)

/s/ Joshua Tomsheck
Joshua Tomsheck, Esq.

For Juan Luis-Rico (5)

/s/ Richard E. Tanasi
Richard E. Tanasi, Esq.

For Juan Angel Reyes (6)

/s/ Ivette A. Maningo
Ivette A. Maningo, Esq.

For Miguel Angel Nieto-Romero (7)

/s/ Abel Mariano Yanez
Abel Mariano Yanez, Esq.

For Rosalio Siguenza-Romero (8)

/s/ Todd M. Leventhal
Todd M. Leventhal, Esq.

For Daniel Enrique Perez-Torres (9)

/s/ Amanda S. Gregory
Amanda S. Gregory, Esq.

For Jose Gerardo Cortez-Diaz (10)

/s/ Benjamin C Durham
Benjamin C. Durham, Esq.

For Eder Cruz-Salguero (11)

/s/ James A. Oronoz
James A. Oronoz, Esq.

For Carlos Lopez-Guzman (12)

/s/ Lance Maningo
Lance Maningo, Esq.

For Pedro Montalvo (13)

/s/ William H. Brown
William H. Brown

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

October 8, 2020

Date